THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :12216 of 2004

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Dated: 20.09.2005

Between:

Rajendranagar Municipality rep.,

by its Commissioner, R.R.District .. **Petitioner**

And

1. S. Chandrasekhar and three others. **.. Respondent**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :12216 of 2004

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to set aside the Order dated 10.11.2003 in O.A.No.7291 of 2003 on the file of the A.P. Administrative Tribunal, Hyderabad.

The 1st respondent herein is the applicant, and the petitioner is the 4th respondent and respondents 2 to 4 herein are the respondents 1 to 3 before the Tribunal. For the sake of convenience, the parties will be referred to as arrayed in the O.A.

The brief facts that led to filing of the O.A. are that on an earlier occasion, the mother of the applicant filed O.A.No.1337 of 1996 before the Tribunal seeking regularization of her services and the tribunal disposed of the same on 28.10.1996 directing the respondents to consider her case for regularization in terms of G.O.Ms.No.212, dated 22.4.1994. While so, the mother of the applicant, while in service, expired leaving behind the applicant, two sons, three children and husband. Thereafter, the applicant made a representation before the 4th respondent on 29.7.2003 for appointment on compassionate grounds in terms of G.O.Ms.No.118, F & P, dated 18.9.1999, but no action has been taken. Hence, the present O.A. has been filed.

The tribunal disposed of the O.A. at the admission stage itself directing the respondents to examine the case of the applicant as per the rules and also in terms of G.O.Ms.No.118, F & P., dated 18.9.1999 and pass appropriate orders, within a period of three months from the date of receipt of a copy of the Order. Having aggrieved by the same, the 4th respondent has preferred the present writ petition.

As a matter of fact, this Court while admitting the writ petition has granted interim suspension of the order of the O.A. on 13.9.2004. Pursuant to the same, when the applicant has filed the vacate stay petition, both the parties have agreed to dispose of the main writ petition.

A perusal of the order clearly goes to show that it is only a mere direction issued to the respondents to consider the case of the applicant in accordance with the rules and the executive instructions on compassionate grounds. Therefore, we feel that the same cannot be construed as an order on merits and as such, it needs no interference by this Court.

Accordingly, this writ petition is dismissed. However, it is made clear that the interim suspension granted by this Court, stands vacated. The respondents are directed to consider the case of the applicant as per the rules and also keeping in view G.O.Ms.No:118, dated 18.9.1999 and pass appropriate orders within a period of one (1) month from the date of receipt of a copy of this order. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 20.09.2005

Nn.